

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3611 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

PATEL BIPINKUMAR NATHABHAI

Versus

STATE OF GUJARAT

Appearance:

MR DEEPAK SHUKLA for Petitioners

MR ND GOHIL for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 09/10/96

ORAL JUDGMENT

Heard learned counsel for the parties. The petitioner Nos.1 and 2 are the students of PTC college at Khedbrahma and the petitioner Nos.3 and 4 are the students of PTC college at Ambaji. Both these PTC colleges are established by one Eklayva Education Trust of Idar, District Sabarkantha. The said Trust was not granted recognition or permission by respondent No.2 under its letter dated 24th June 1984. The said Trust

felt aggrieved of the aforesaid order approached the appellate authority and appeal has been dismissed on 2nd November 1984. The Trust then approached this Court by filing Special Civil Application No.160 of 1985. On 30th January 1985, this Court has passed the following order:

"Mr.Raval states that the undertaking directed by the order dated 21.1.1985 will be filed by tomorrow. Further ad-interim relief to the effect that the students of the institution shall be allowed to appear at the ensuing examination, pending this petition, without prejudice to the rights and contentions of the parties and without creating any equities. Rule Expedited 30.1.1985".

2. The petitioners have undergone their studies for full duration and they were also allowed to appear in the examinations. The learned counsel for the petitioner is unable to say what ultimately has been decided by this Court in Special Civil Application No.160 of 1985. This writ petition has been filed by the petitioners without any cause. The Trust itself has taken care of the petitioners and it has filed Special Civil Application which is pending before this Court. This writ petition is nothing but multiplicity of litigations and the petitioners have no independent right to challenge the orders of non recognition of the registration of the institution by the respondent. The decision given by this Court in Special Civil Application No.160 of 1985 will also be applicable and binding to the petitioners in this Special Civil Application.

3. In the result, this writ petition is dismissed. However, it is made clear that whatever decision is given by this Court in Special Civil Application No.160 of 1985, if not decided so far, shall govern the rights of the petitioners also, meaning thereby, the petitioners shall also get the benefits of the said judgment. Rule discharged. No order as to costs.

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(sunil)